

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

GEORGE C. SWINYER, JR.,

Plaintiff - Appellant,

v.

MICHAEL COLE; et al.,

Defendants - Appellees.

No. 06-35592

D.C. No. CV-04-05348-RBL
Western District of Washington,
Tacoma

ORDER

FILED

NOV 05 2007

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FILED

RECEIVED

LODGED

NOV 09 2007

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
DEPUTY

On December 21, 2006, this court ordered appellant, within 21 days, to pay the filing fees and show cause why the judgment in this appeal should not be summarily affirmed. The order warned appellant that failure to pay the fees and to show cause would result in the automatic dismissal of the appeal by the Clerk of the Court. Appellant was given several continuances to file a response to the court's order. To date, appellant has not complied with the court's order. Accordingly, this appeal is dismissed for failure to prosecute. *See* 9th Cir. R. 42-1.



04-CV-05348-MAN

06-35592

The certified copy of this order sent to the district court shall constitute the mandate.

For the Court

A handwritten signature in cursive script, appearing to read "Allison Taylor", written over a horizontal line.

Allison Taylor
Motions Attorney/Deputy Clerk
9th Cir. R. 27-7
General Orders/Appendix A

